

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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Earl Grant,	)	RE: 7:07-cv-00996-TJM-GJD
	)	
Plaintiff,	)	
	)	<b>AFFIDAVIT OF C. EARL GRANT</b>
vs.	)	
	)	
National Board of Medical Examiners	)	
Federation of States Medical Boards	)	
	)	
Defendants	)	

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Commonwealth of Virginia	)	
	)	SS
COUNTY OF Fairfax	)	

Upon first duly sworn under oath, Affiant states and alleges as follows:

1. I am the plaintiff, C. Earl Grant, in the above entitled matter.
2. The "recent communication" with Attorney Stefan Berg was on May 28, 2008, following receipt of unacceptable settlement proposal from defendants in which only the Step 3 examination was addressed (**Exhibit A**). On December 29, 1997, during a settlement conference the defendant agreed that it would follow similar procedures established for the Step 1 exam for all future tests it administers whether pencil and paper or computerized, and taken by plaintiff. The defendant in 1998, denied that it administers the Step 3 or any future exam to be taken by plaintiff, modified the settlement agreement to limit the established procedures to

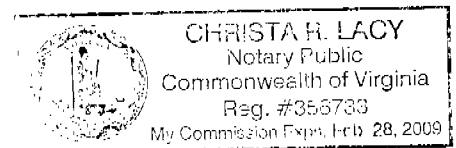
the Steps 1, and 2 exam, and has refused all written requests to copy and secure the Step 3 exam materials in similar manner to the Step 1 and 2 exams.

3. The purpose of the communication was to ensure that the USMLE Step 2 exams taken in August 1997, March 1998, August 1998, and March 1999 and intentionally, inaccurately graded by the defendant are included for review by the court to prove that the defendant has engaged in discriminatory and reprisal tactics. The purpose was also to prove that the defendant has established a pattern of retaliatory behavior demeanor and continued reprisal in its actions in grading and regarding subsequent exams taken by plaintiff. See affidavit of Larry Reed (**Exhibit B**).
4. The length of communication and subject matter can be verified by e-mail correspondence between C. Earl Grant and Stefan Berg between May 28, 2008, and June 9, 2008, (**Exhibit C**).

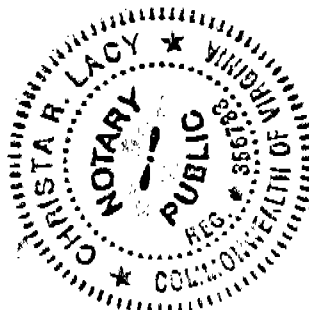
Date: 07 - October - 2008

C. Earl Grant  
C. Earl Grant

Subscribed and sworn before me  
This 7 day of October, 2008.



Christa R. Lacy  
Notary Public



**Certification of Mailing:**

I certify that on this 07 day of October 2008, that I mailed a true copy of the foregoing affidavit to all counsel of record, by postage prepaid, first class mail.

  
C. Earl Grant